

In re Reissue Application of:

## Avigdor LEV

Application No.: 09/923,279

Filed: August 6, 2001

For: RADIATING DEVICE FOR  
HYPERTHERMIA

Group Art Unit: 3739

**Examiner: Michael F. Peffley**

Confirmation No.: 9037

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## TERMINAL DISCLAIMER

Assignee, Medical Enterprises, Ltd., duly organized under the laws of Barbados and having its principal place of business at Chancery House, High Street, Bridgetown, Barbados, represents that it is the assignee of the entire right, title and interest in and to the above-identified reissue application, Application No. 09/923,279, filed August 6, 2001, for RADIATING DEVICE FOR HYPERTHERMIA in the name of Avigdor Lev, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 14165, Frame 0111, on June 13, 2003. Assignee, Medical Enterprises, Ltd., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. RE37,315 E, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 14186, Frame 488, on June 20, 2003.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant reissue application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. RE37,315 E, Assignee hereby agrees that any patent so granted on the instant reissue application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant reissue application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant reissue application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an

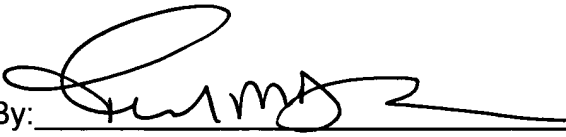
extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 11, 2005

By:   
Roland G. McAndrews  
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